

Town of Arlington
Zoning Board of Appeals

Meeting Minutes

April 23, 2019

7:45 PM

Meeting Minutes

1. Docket #3590 58-60 Exeter Street
2. Docket #3591 27-29 Lake Street
3. Docket # 3592 27 Hopkins Street
4. Docket #3593 41-43 Pondview Road

Members in Attendance:

Patrick Quinn, Chair

Christian Klein, Vice Chair

Roger DuPont, Esq.

Shawn O'Rourke, Esq.

Joseph Moen, Esq.

Docket #3590 58-60 Exeter Street

The Petitioner, ND Development, LLC is seeking a Special Permit to move forward with the proposed renovation at 58-60 Exeter Street. The case was initially heard on Tuesday evening February 12, 2019 and was continued to Tuesday evening April 23, 2019. The reason for the continuance was to redesign the property with respect to the parking spaces to create open space. The redesign not only created open space usable which did not exist prior to construction but maintained 3 parking spaces, one more than required as per Zoning regulations. The Petitioner was accompanied by his Attorney Mr. Robert Annese. Mr. Annese told the Board that this property was in disrepair and should have been condemned. Even though the revised plan now included open space, it was not enough to satisfy the Zoning regulation of 30% thus a Special Permit under Section 8.1.3 would be required to add a dormer for additional living space.

At the close of the hearing, The Petitioner was granted a Special Permit.

SO VOTED 5-0

Docket # 3591 27-29 Lake Street

The Petitioner Alex Yerukhimov, is seeking a Variance to construct a deck on top of the existing garage in the back end of his property. It was noted that there is virtually no recreational space on the property at all. Mr. Yerukhimov presented letters of support from his neighbors. Mr. DuPont told the applicant that a Variance was very difficult to get as it unconditionally had to meet certain criteria. In addition, Mr. DuPont pointed out that in 1995, the Zoning Board of Appeals granted a Special Permit to construct just such a deck in the same location. Mr. DuPont suggested to the applicant that he continue this case until such time the original Special Permit in and of itself would allow the deck to be constructed "by right". The case was continued until May 28, 2019.

CONTINUED

Docket #3592 27 Hopkins Road

The Petitioner, AZAD LEGACY PARTNERS,LLC, is seeking a Special Permit in accordance with Section 8.1.3 of The Zoning Bylaw. The Petitioner was represented by their Attorney, Mr. Robert Annese. Mr. Annese explained to the board that this property, in original condition was unsafe. The plan was to renovate this distressed structure and add more living space. Mr. Klein had two concerns, he noted that the proposed attic floor area exceeded more than 50% of the area of the floor below and asked if the addition was in fact on a foundation. Mr. Vallarelli explained that the additional attic space could in fact exceed 50% of the floor below as long as it did not violate by definition the meaning of a half story. Although there were open spaces on land on the lot, none of the areas qualified by definition to satisfy the "usable open space" requirement as set forth in the Zoning Bylaw. Because of this, the Petitioner was requesting relief from Section 8.1.3 (non-conforming single family or two family dwelling) of the Zoning Bylaw.

At the close of the hearing, the Petitioner was granted a Special Permit with the condition that the attic space would meet the definition of a half story as set forth in the Zoning Bylaw.

SO VOTED 5-0

Docket #3593 41-43 Pondview Road

The Petitioners Kathryn, Glen, and Emma Murphy were seeking permission to add more living space to their property located at 41-43 Pondview Road. In its present condition, the property lacked the required 30% usable open space. The petitioners were willing to raze the existing garage thus creating some area of usable open space. Even though the proposed area would still fall short of 30%, it would contribute some open space that did not exist before. The Petitioner's architect, Juliet Packard, had a diagram that showed the proposed. Mr. Quinn asked if the proposed would now satisfy the open space requirement. Mr. DuPont asked about the amount of open space and Mr. O'Rourke asked about the amount of construction that deviated from the original request. Ms. Packard answered all questions. The Architect made clear that this property never had any open space and now does.

At the close of the hearing, The Board granted the Special Permit.

SO VOTED 5-0

